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Attorney for Plaintiffs  
COMMITTEE TO RECALL DAN HOLLADAY,  
JEANA GONZALES, and ADAM MARL

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**COMMITTEE TO RECALL DAN  
HOLLADAY, JEANA GONZALES, and  
ADAM MARL,**

Plaintiffs,

vs.

**KATTIE RIGGS**, City Recorder for Oregon  
City, in her official capacity,

Defendant.

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Case No. 3:20-cv01631-YY

**NOTICE OF  
CONSTITUTIONAL  
CHALLENGE TO STATE  
STATUTE**

Fed. R. Civ. P. 5.1

Pursuant to Fed. R. Civ. P. 5.1, plaintiffs, by and through counsel, respectfully file this Notice of Constitutional Challenge to State Statute. The constitutional question, raised in the complaint, is as follows: whether Or. Rev. Stat. § 249.875(1), which purports to impose a 90-day signature gathering deadline for all Oregon recall petitions, is void facially or as applied under Article II, section 18 of the Oregon Constitution, or the First and Fourteenth Amendments to the U.S. Constitution.

The State of Oregon is not a party to this litigation, nor is any state agency, officer, or employee. Therefore, pursuant to Fed. R. Civ. P. 5.1(b), the court must, under 28 U.S.C. § 2403, certify to the Oregon Attorney General that a state statute has been questioned. That statute provides as follows:

“In any action, suit, or proceeding in a court of the United States to which a State or any agency, officer, or employee thereof is not a party, wherein the constitutionality of any statute of that State affecting the public interest is drawn in question, the court shall certify such fact to the attorney general of the State, and shall permit the State to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality. The State shall, subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for a proper presentation of the facts and law relating to the question of constitutionality.”

28 U.S.C. § 2403(b).

Pursuant to Fed. R. Civ. P. 5.1(a)(2), this Notice and a copy of the Complaint are being mailed to the Oregon Attorney General via certified mail (see certificate of service).

Respectfully submitted this 15<sup>th</sup> day of December 2020.

s/ Jesse A. Buss  
Jesse A. Buss, OSB # 122919  
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### CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing NOTICE OF CONSTITUTIONAL CHALLENGE TO STATE STATUTE along with a copy of the COMPLAINT on:

Office of the Oregon Attorney General  
Oregon Department of Justice  
1162 Court St. NE  
Salem OR 97301-4096

by mailing full, true, and correct copies thereof in a sealed, first-class, postage-prepaid envelope **via certified mail, return receipt requested**, addressed to the person shown above, and deposited with the U.S. Postal Service at Oregon City, Oregon, on the date set forth below.

I further certify that I served the foregoing NOTICE OF CONSTITUTIONAL CHALLENGE TO STATE STATUTE on:

Bateman Seidel  
Attn: Bill Kabeiseman  
1000 SW Broadway, Suite 1910  
Portland OR 97205  
*Attorney for Defendant Kattie Riggs*

by mailing a full, true, and correct copy thereof in sealed, first-class, postage-prepaid envelope, addressed to the person shown above, and deposited with the U.S. Postal Service at Oregon City, Oregon, on the date set forth below.

Dated this 15<sup>th</sup> day of December 2020.

s/ Jesse A. Buss  
Jesse A. Buss, OSB #122919  
Attorney for Plaintiffs